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MINUTES OF COUNCIL REGULAR MEETING – JULY 8, 2008

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 8, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Russ Brooks
Carolynn Burt
Steve Vincent

Paul Isaac, Acting City Manager
Sheri McKendrick, City Recorder

ABSENT: Joel Coleman
Corey Rushton
Mike Winder

STAFF PRESENT:

Jim Welch, Finance Director
Joseph Moore, CED Director
Richard Catten, City Attorney
Russell Willardson, Public Works Director
Layne Morris, Community Preservation Director
Aaron Crim, Administration
Jake Arslanian, Public Works Department
Phil Markham, Public Works Department

14121 OPENING CEREMONY

The Opening Ceremony was conducted by Dennis Nordfelt who shared an experience on Flag Day, June 14, 2008, and he led the Pledge of Allegiance to the Flag.

14122 COMMENT PERIOD

Upon inquiry by Mayor Nordfelt, the following individuals addressed the City Council during the Comment Period:

Gerald Wise, 4025 South 6820 West, addressed the City Council. Mr. Wise presented a petition to the Mayor on behalf of residents in his area. He stated the petition was to the West Valley Police Department and he related the problems in

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his neighborhood regarding speeding. He expressed concern that a child would be killed in addition to other issues of concern. He requested to meet with the Mayor and Councilmember from his district, and City staff members. Mr. Wise stated people were also very upset about illegal fireworks being used within City boundaries. He stated the Police Department had been called regarding the illegal fireworks, but there was no response or residents had been told there was nothing the Police Department could do if officers did not see what happened. Mayor Nordfelt clarified that in order to arrest for a misdemeanor the officer had to see the offense. Mr. Wise stated other issues had been related to code enforcement. He also mentioned a promised park that was never built. He expressed appreciation for the Council's time and again requested a meeting with the Mayor, Councilmember and staff.

Jim Barkel, 6831 West 4015 South, addressed the City Council. Mr. Barkel echoed Mr. Wise's comments regarding fireworks. He stated he and his wife had moved from California and he expressed frustration regarding the illegal fireworks. He indicated he had called the police the previous Friday night and did not even get a phone call for over 90 minutes. He stated he was instructed by a dispatcher to call the insurance company in the morning if there was any damage. He inquired who would pay if homes and garages started on fire due to use of illegal fireworks. He expressed his frustrations and those of his neighbors. He also expressed concern that a home or garage would be burned down before something was done. He stated laws should be enacted to outlaw fireworks all together in the state of Utah. He indicated when a citizen called for the police, there should be some kind of response.

Jake Gunnell, 2261 East 3205 South, Salt Lake City, addressed the City Council. Mr. Gunnell discussed an upcoming concert at the USANA Amphitheater in September. He indicated his business was tattooing and he inquired regarding the permitting process for a one-time permit for the concert. He previously contacted the City's Business License Division and was told tattooing was not allowed by ordinance in West Valley City. Mayor Nordfelt confirmed with the City Attorney, Richard Catten, that tattooing was not allowed in the City, even on a temporary basis.

14123

PUBLIC HEARING, APPLICATION NO. S-22-2008, FILED BY DELYLE BILLINGS, REQUESTING APPROVAL FOR THE AMENDMENT OF LOTS 1 AND 3 OF THE KDA INDUSTRIAL PARK CONDOMINIUMS LOCATED AT 3572 SOUTH 1950 WEST

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting in order for the City Council to hear and consider public comments regarding Application No. S-22-2008, filed by DeLyle Billings,

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requesting approval for the amendment of Lots 1 and 3 of the KDA Industrial Park Condominiums located at 3572 South 1950 West. He discussed proposed Ordinance No. 08-35 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 08-35 which would approve the amendment of Lots 1 and 3 of the KDA Industrial Park Condominiums.

Mr. Isaac stated the condominium development received final plat approval and had been recorded in 2004. He also stated the purpose for the plat amendment was to create individual spaces within a new building. The plat amendment would also adjust a mutual property line between Lots 1 and 3.

The Acting City Manager reported the applicant was now ready to market building B and in order to divide those spaces, the original condominium plat would need to be amended. He stated, in addition, prior to construction of building B an old storage structure attached to the original KDA building had been removed. According to the applicant, one of the reasons the older structure had been removed was to provide additional space to increase the footprint of building B. He further stated, however, the increase in size resulted in the building being constructed over the east property line by approximately five feet. He further reported, as a result, the applicant had also requested the adjustment be made part of the amended plat.

Mayor Nordfelt opened the public hearing.

DeLyle Billings, applicant, addressed the City Council. Mr. Billings requested approval of the application.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 08-35, APPROVING THE AMENDMENT OF LOTS 1 AND 3 OF THE KDA INDUSTRIAL PARK CONDOMINIUMS

The City Council previously held a public hearing regarding Application No. S-22-2008, filed by DeLyle Billings, and proposed Ordinance No. 08-35 which would approve the amendment of Lots 1 and 3 of the KDA Industrial Park Condominiums.

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After discussion, Councilmember Vincent moved to approve Ordinance No. 08-35, an Ordinance Approving the Amendment of Lots 1 and 3 of the KDA Industrial Park Condominiums. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

14124

PUBLIC HEARING, APPLICATION NO. S-24-2008, FILED BY STEVEN JOLLEY, REQUESTING APPROVAL FOR THE AMENDMENT OF LOT 1 IN THE PLEASANT VALLEY RANCHES PHASE 1 SUBDIVISION LOCATED AT 6286 WEST 2900 SOUTH

Acting City Manager, Paul Isaac, stated a public hearing had been advertised for the Regular Council Meeting in order for the City Council to hear and consider public comments regarding Application No. S-24-2008, filed by Steven Jolley, requesting approval for the amendment of Lot 1 in the Pleasant Valley Ranches Phase 1 Subdivision located at 6286 West 2900 South. He discussed proposed Ordinance No. 08-36 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

Acting City Manager, Paul Isaac, presented proposed Ordinance No. 08-36 which would approve the amendment of Lot 1 in the Pleasant Valley Ranches Phase 1 Subdivision.

Mr. Isaac stated the proposed amendment would create one new lot within the subdivision. He further stated the Pleasant Valley Ranches Phase 1 Subdivision had been recorded in June of 1999. He indicated the original plat consisted of four lots on 4.88 acres. The amended subdivision will consist of two lots on 1.9 acres. He also indicated an existing dwelling was located on what would become Lot 1A.

The Acting City Manager reported access would be gained from 2900 South. He advised public improvements along the right-of-way had been installed by the developer of the original subdivision. Any damage to existing improvements, or damage associated with new construction, would need to be repaired by the builder of the new lot. He stated the applicant and/or builder of the new lot would also be responsible to coordinate the new drive approach on Lot 1B.

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Mr. Isaac stated the subdivision was in an area of the City that had a high water table. He also stated the original plat indicated ground water had been encountered at a depth four feet below the top back of curb. He indicated unless the applicant would like to submit a new soils report, staff would require the lowest floor slab be one foot below top back of curb.

The Acting City Manager informed City ordinance required for homes without basements the minimum house size be increased by 100 square feet and the minimum garage size be increased to 24 feet by 24 feet. The applicant did have the option of providing an updated soils report, which would need to be submitted and reviewed by the Engineering Division prior to City Council review.

Mr. Isaac stated the subdivision was located in area that had been deemed a jurisdictional wetland. In a letter dated March 26, 1999, the Army Corps of Engineers approved the original subdivision plat on the basis that existing uplands on each lot would have provided sufficient areas for building pads.

The Acting City Manager reported in order to ensure the wetlands would not be impacted by construction on the new lot, staff required the applicant to contact the Army Corps of Engineers. He stated according to a recent site visit by the Corps of Engineers, the area within these properties was no longer considered a wetland. He further stated the Corps of Engineers was in the process of stamping the plat indicating permits to encroach this area were no longer needed.

Mayor Nordfelt opened the public hearing. There being no one to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

ACTION: ORDINANCE NO. 08-36, APPROVING THE AMENDMENT OF LOT 1 IN THE PLEASANT VALLEY RANCHES PHASE 1 SUBDIVISION
The City Council previously held a public hearing regarding Application No. S-24-2008, filed by Steven Jolley, and proposed Ordinance No. 08-36 which would approve the amendment of Lot 1 in Pleasant Valley Ranches Phase 1 Subdivision.

After discussion, Councilmember Brooks moved to approve Ordinance No. 08-36, an Ordinance Approving the Amendment of Lot 1 in the Pleasant Valley Ranches Phase 1 Subdivision. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes

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Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 08-194, AWARD A CONTRACT TO STAPP CONSTRUCTION FOR CONSTRUCTION OF THE TERRACE RIDGE PARK PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-194 which would award a Contract to Stapp Construction in the amount of \$395,616.68 for construction of the Terrace Ridge Park Project.

Mr. Isaac stated competitive bids had been solicited and nine bids received, as follows: 1) Kriser-White: \$501,837.20; 2) Sorenson: \$636,448.00; 3) Chad Broderick: \$467,553.81; 4) Raass Brothers: \$475,436.47; 5) Wasatch West: \$438,172.20; 6) Childs Enterprises: \$440,062.54; 7) S&L Inc.: \$416,800.99; 8) J Lyne Roberts & Sons: \$487,945.40; and 9) Stapp Construction: \$395,616.68.

Acting City Manager, Paul Isaac, reported the Engineer's estimate had been in the amount of \$373,880.00. He stated Stapp Construction had submitted the lowest responsible bid in the amount of \$395,616.68.

Mr. Isaac stated Terrace Ridge Park was located in the northwest corner of the Vistas Subdivision at 6260 West Terrace Ridge Drive. He also stated it was a 2.72-acre park site that was also a storm drainage basin. The storm basin was 1.8 acres; the park property was .9 acres. He reported the site was bordered by new homes on three sides and the Union Pacific Railroad tracks to the north. Access to the site was from Terrace Ridge Drive which bordered the site to the south. He stated the subdivision was relatively new at two years old.

The Acting City Manager further reported the low bidder, Stapp Construction, had completed several park projects for the City in the past and had been very good to work with each time. He also reported Park Department staff had no concerns about awarding them the contract.

Mr. Isaac indicated residents of the Vistas Subdivision attended a series of three public meetings to help design this park. He stated they started by stating their park "wants" which had been listed and prioritized into a project development program. He advised staff had taken the project development program and designed three varied park options which had been presented to the neighbors in the second public meeting. He indicated those present choose one of the three

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options as the preferred plan, which had been developed into construction drawings and contract documents.

The Acting City Manager explained that included in the park was a play structure, a small (24' x 24') picnic pavilion, open lawn area, a wheel chair ramp to the play structure, three area lights, sledding hill, a barbecue, remote picnic tables, drinking fountain, bike rack, horseshoe pits, perimeter fencing, and trees. Additionally, this site is a storm drainage basin and work would be performed to upgrade and complete the basin to allow it to be part of the park. He further explained unseen secondary improvements included an irrigation system, concrete meter base/power enclosure, drainage system for the drinking fountain and the play area, power supply lines for outlets in the pavilion, power to the area lights, and culinary water to the drinking fountain.

Mr. Isaac stated work would commence as soon as the contract had been signed. He indicated contract time would begin 10 days from execution of the contract. The park would be completed by the end of summer - mid to late September (75 days).

Acting City Manager, Paul Isaac, reported the bidding process had been competitive. He also reported the numbers were good and the City would get the greatest value for its money.

After discussion, Councilmember Burt moved to approve Resolution No. 08-194, a Resolution Awarding a Contract to Stapp Construction and Authorize Execution of the Contract for the Terrace Ridge Park Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

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14126 **RESOLUTION NO. 08-195, APPROVE THE PURCHASE OF TACK AND SLURRY OIL FROM SEMMATERIALS, L.P. FOR PLACEMENT ON CITY STREETS AS PART OF CITY’S PAVEMENT MANAGEMENT PROGRAM**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-195 which would approve purchase of tack and slurry oil from SemMaterials, L.P. for placement on City streets as part of the City’s Pavement Management Program.

Acting City Manager, Paul Isaac, recommended due to the contractor being unable to supply the above referenced product, the Council strike this item from the Agenda.

After discussion, Councilmember Brooks moved to strike proposed Resolution No. 08-195 from the Agenda due to the contractor advising they would be unable to supply the product. Councilmember Burt seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous. Proposed Resolution No. 08-195 stricken from the Agenda.

14127 **RESOLUTION NO. 08-198, A RESOLUTION OF THE WEST VALLEY CITY COUNCIL (THE “CITY”) APPROVING ISSUANCE BY THE REDEVELOPMENT AGENCY OF WEST VALLEY CITY (THE “AGENCY”) OF APPROXIMATELY \$6,200,000 OF TAXABLE TAX INCREMENT AND REVENUE BONDS, SERIES 2008, FOR THE PURPOSE OF FINANCING CERTAIN REDEVELOPMENT COSTS; AUTHORIZING THE EXECUTION OF A CONTRIBUTION AGREEMENT; AUTHORIZING THE TAKING OF ALL OTHER ACTIONS NECESSARY TO THE CONSUMMATION OF THE TRANSACTIONS CONTEMPLATED BY THIS RESOLUTION; AND RELATED MATTERS**

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-198 which would approve issuance by the Redevelopment Agency of West Valley City of approximately \$6,200,000 of Taxable Tax Increment and Revenue Bonds, Series 2008, for the purpose of financing certain redevelopment costs; authorize execution of a Contribution Agreement; authorize the taking of all other action

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necessary to the consummation of transactions contemplated by this resolution; and related matters.

Mr. Isaac stated the subject agreement would provide for a backstop payment method in the event the City's Redevelopment Agency was unable to fund the debt service on the redevelopment bonds being issued for the purchase of real property in the City Center Redevelopment Area.

The Acting City Manager reported the Redevelopment Agency was in the process of issuing bonds to cover the cost of real property acquisition in the City Center Redevelopment Project Area. He indicated, in addition to increment and cash flow from rents, the City was required to enter into a Contribution Agreement to ensure payment in the event the Redevelopment Agency was not able to do so.

Acting City Manager, Paul Isaac, advised Laura Lewis, Lewis Young Robertson Burningham, the City's financial advisor, was in attendance at the meeting to answer questions from members of the City Council, if any.

Ms. Laura Lewis addressed the City Council and explained details of the subject transaction, including terms of the Contribution Agreement. Ms. Lewis answered questions from members of the City Council.

After discussion, Councilmember Brooks moved to approve Resolution No. 08-198, a Resolution of the West Valley City Council (the "City") Approving the Issuance by the Redevelopment Agency of West Valley City (the "Agency") of approximately \$6,200,000 of Taxable Tax Increment and Revenue Bonds, Series 2008, for the Purpose of Financing Certain Redevelopment Costs; Authorizing the Execution of a Contribution Agreement; Authorizing the Taking of all Other Action Necessary to the Consummation of Transactions Contemplated by this Resolution; and Related Matters. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 08-159, AUTHORIZE THE CITY TO EXECUTE A RIGHT-OF-WAY AGREEMENT WITH THE UTAH DEPARTMENT OF TRANSPORTATION AND AUTHORIZE EXECUTION OF A QUIT CLAIM DEED AND EASEMENTS FOR GRANGER PARK PROPERTY IDENTIFIED AS PARCEL NUMBERS 0171:03, 03:2E, 03:3E, 03:E, 03:4E, 03:5E, 03:6E AND 03:7E (*CONTINUED FROM THE REGULAR MEETING OF JUNE 10, 2008*)

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-159 which would authorize the City to execute a Right-of-Way Agreement with the Utah Department of Transportation (UDOT) and authorize execution of a Quit Claim Deed and Easements for Granger Park property identified as Parcel Numbers 0171:03, 03:2E, 03:3E, 03:E, 03:4E, 03:5E, 03:6E and 03:7E.

Mr. Isaac stated UDOT was widening 3500 South and needed to acquire a portion of Granger Park (15,653 square feet) as part of a project identified as SP-0171(18)6; 3500 South; Bangerter Highway to 2700 West Phase II. He further stated UDOT had prepared the necessary purchase agreement, quit claim deed and construction easements and had priced all exchanges at a rate accepted to the City at \$267,700.00.

The Acting City Manager indicated the widening of 3500 South required additional property on either side of the road. At Granger Park a wedged shape parcel of .36 acres was needed. It began at a point near Bangerter Highway and widened to approximately 38 feet by the time it reached the corner of 3600 West (plans had been attached to written information provided to the City Council). He stated in addition, sod, irrigation system, trees, sidewalks and other improvements would be removed.

Mr. Isaac stated UDOT recognized the value of the changes and proposed to pay the City \$194,059.00 for property and easements, \$38,925.00 for improvements taken and \$34,716.00 to replace all necessary improvements to restore the park. In addition, UDOT would pay up to \$4,500.00 additional for relocation of the Lions Club sign on the property, if needed. He reported these prices had been reviewed by staff and seemed to be reasonable and fair. He also stated UDOT would pay the monies to the City and the City would be responsible to hire contractors to complete the restoration.

Acting City Manager, Paul Isaac, stated the proposed Resolution had been tabled and continued from the Regular Council Meeting held June 10, 2008.

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After discussion, Councilmember Burt moved to approve Resolution No. 08-159, a Resolution Authorizing the City to Execute a Right-of-Way Agreement with the Utah Department of Transportation and Execution of a Quit Claim Deed and Easements for Granger Park Property Identified as Parcel 0171:03, 03:2E, 03:3E, 03:E, 03:4E, 03:5E, 03:6E and 03:7E. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

14129

**APPLICATION NO. S-23-2008, FILED BY ARGENT GROUP,
REQUESTING FINAL PLAT APPROVAL FOR 201 COMMERCE
CENTER SUBDIVISION LOCATED AT 4411 WEST 2100 SOUTH**

Acting City Manager, Paul Isaac, presented Application No. S-23-2008, filed by Argent Group, requesting final plat approval for 201 Commerce Center Subdivision located at 4411 West 2100 South.

Mr. Isaac stated the proposed subdivision was being requested in order to divide the existing property into industrial building lots. The subdivision plat would also dedicate a portion of Links Drive. He further stated although the subdivision comprised two lots, Lot 2 would eventually be amended as additional development occurred within the subdivision. Another purpose of the subdivision would be to provide dedication of a new City street on the east side of Lot 1.

The Acting City Manager reported access would be gained by the 2100 South frontage road and from Links Drive. He also reported the developer would be dedicating additional right-of-way on the east side of Lot 1. The cross section to be used here as well as future rights-of-way would be 66 feet. A park strip and sidewalk would be located on one side of the roadway which was standard in the manufacturing zone.

Mr. Isaac stated the dedication of Links Drive was critical for the pending development of Quartzdyne. He indicated Links Drive had been in use for many years providing access to the Stonebridge Clubhouse. In order for the road to be public, Zion's Securities had provided a deed to the City for the existing right-of-

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way. He indicated the City, in turn, would sign the plat making the dedication official.

Upon inquiry by Councilmember Vincent, CED Director, Joseph Moore, and Public Works Director, Russell Willardson, discussed issues regarding construction traffic using Links Drive.

After discussion, Councilmember Burt moved to approve Application No. S-23-2008, filed by Argent Group and give final plat approval for 201 Commerce Center Subdivision located at 4411 West 2100 South. Councilmember Brooks seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

CONSENT AGENDA:

A. RESOLUTION NO. 08-196, ACCEPT A GRANT OF TEMPORARY CONSTRUCTION EASEMENT FROM SCOTT SHERNER FOR PROPERTY LOCATED AT 3945 SOUTH 3600 WEST, 3600 WEST RECONSTRUCTION PHASE 2 PROJECT

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-196 which would accept a Grant of Temporary Construction Easement from Scott Sherner for property located at 3945 South 3600 West, regarding the 3600 West Reconstruction Phase 2 Project.

Mr. Isaac stated Scott Sherner had signed the Grant of Temporary Construction Easement.

The Acting City Manager reported the subject parcel was one of the properties affected by construction of 3600 West from 3500 South to 4100 South. He further reported compensation for the easement would be in the amount of \$200.00, which easement would automatically expire December 31, 2008.

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B. RESOLUTION NO. 08-197, APPROVE A DELAY AGREEMENT WITH ROSS AND TRUDY TAYLOR FOR CONSTRUCTION OF OFF-SITE IMPROVEMENTS FOR PROPERTY LOCATED AT 2520 SOUTH CHATHAM STREET (1490 WEST)

Acting City Manager, Paul Isaac, presented proposed Resolution No. 08-197 which would approve a Delay Agreement with Ross and Trudy Taylor for construction of off-site improvements for property located at 2520 South Chatham Street (1490 West).

Mr. Isaac stated Ross and Trudy Taylor had requested to delay construction of off-site improvements that included installation of curb, gutter, sidewalk, and asphalt tie-in to the existing roadway.

The Acting City Manager reported that at the present time there were no existing improvements along the subject property. He advised postponing the construction of the mentioned improvements would allow time for additional development to provide similar improvements. The combination of the delayed improvements from the subject agreement and others collected as development progressed would provide a more complete and contiguous design of curb and gutter.

After discussion, Councilmember Brooks moved to approve Resolution Nos. 08-196 and 08-197 as presented on the Consent Agenda. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Brooks	Yes
Ms. Burt	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 8, 2008, WAS ADJOURNED AT 7:07 P.M., BY MAYOR NORDFELT.

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I hereby certify that the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, July 8, 2008.

Sheri McKendrick, MMC
City Recorder

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